G R S 58
Previous references

1907
(Education)

File No 158-06

Serial Nos 6, 7, 9 & 13

Later references

GENERAL AND REVENUE SECRETARIAT

Serial Nos 6, 7, 9 & 13

Part B for August 1907

SUBJECT

Remarks of dr J Cook, Principal Central College, Bangalore on the judgment of the Chief Court in the Criminal appeal preferred by Narayana murthi, late clerk of that College

6 From the Principal, Central College No 374 of 13/6/07 submits certain remarks regd & above & requests that a copy of his letter may be forwarded to the Chief Court for information

7 To the Registrar, Chief Court, No 10393 of 6/5/07 Requests to be furnished with Copies of judgments of the Sessions Court & the Chief Court in the Criminal Case regd above

9 From DD No 6056 of 28/5 regd 5/6/07 Forwards copies of judgments called for

13

13 To the Principal Central College } no 1161-2
" " L & G of Edn } 8/7 8/07

Records &c with certain observations

GRS 11] 1906-07

GENERAL AND REVENUE SECRETARIAT

(~~Courts~~)

NOTES

File No ~~238/1906~~

Title Heading

Remarks of Mr J Cook, Principal Central College, Bangalore on the judgment of the Chief Court in Criminal appeal No 118-06/07 on the file of that Court

From

J Cook Esqr Principal Central College Bangalore

No 374 Dated 13 4 07 Received 16 4 1907

Diary No 12622 | Enclos Nil Spare Copies | Serial No 6

Brief Abstract of Letter

Submits for the consideration of Govt certain remarks on the judgment of the Chief Court of Mysore in the above appeal preferred by D Narayana Murti, late College clerk, & requests that a copy of his letter may be forwarded to the Chief Judge for information

NOTES AND ORDERS

Submitted for orders

H C S 20 4 07 SN 20/4/07

Mr Cook wants a copy of his letter to be sent to the Chief Judge - He may be informed that the Govt do not consider it necessary to do so

Subd into a draft SN 24/4/07

Seen 20/4

Notes—First sheet ½

GPB—30 000—20 3 06

GRS 12]
General and Revenue Secretariat

Eccl. File No 156 of 1906

Serial No

Draft Sd
Mo IV
24/4/07

Transfer the Estate A.B. Branch (Estate Branch) to which the present correspondence has been carried on.

Of course put up with other papers connected with the case—

Next time we have this matter before us the Registrar of the Chief Court should be present

By IV

KC
24/4

Draft Sd
Vera
24/4/07

Done
BB
30/4/07

30/4 To the Registrar, Chief Court No 10393 of 6/5/07. Requests to be furnished with copies of the judgments of the Sessions Court & the Chief Court in the Criminal Case against Narayana Gunta, late writer

Note—Contn sheet

GPB—40 000—12 5 06

20/5/07 1 B 50 000—17 3 07

27/6/07 1 1 V

G R S 12]
General and Revenue Secretariat

Edn File No 158 of 1906-07 (3

Serial No

of the Central College.

9 From. The Registrar, Bluff Court.
No 6056/282 dt 9/5/07.
Forwards copies of the judgments called for
Subd to secy.
Vme 14/5/07
JB 16/5/07

Mr Cook's letter may be recorded with the remark that Courts of Justice can only take cognizance of facts placed before them regularly in the ordinary course of judicial procedure, and that it would not be proper to approach the Chief Court in the manner desired by Mr Cook, now that it has ceased to have any concern with the particular case in connection with which the remarks complained of were made.
Submit draft as above to the Hon'ble Councillor
16/5/07

Vme 20/5/07 Draft Subd to the Hon Councillor
JB 21/5/07

2990 K S K 25-5-07 20/5

NOTE—Contn sheet

IB 50 000—17-3-07

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G R S 12]
General and Revenue Secretariat

File No of 190

Serial No	
	1 Draft approved 2 Para 4 of Mr Cook's letter requires consideration when the Director's report & other papers come up in their completeness. Was it necessary for drawing up pres Dr Extra Dr Cook the paid practised on them?
	Dr Extra 6607
	Dr Cook 6607
	5089 8/6/07
	8/6/07
	8/8/07
	Issue 8/8
13	To the Principal Central College and the Dy of Edn No 1161-2 dy 7/8/07 Records with certain observations, the Principal's remarks on the judgments of the Chief Court in the Criminal Appeal preferred by D Narayan Iyengar late College Writer
	3667

Note—Contn sheet

J 2622 (1)

Central College, Bangalore
13th April 1907

No 374

From

J Cook Esquire, M A , F R S E , F I U ,
Principal, Central College, Bangalore

To

K S Chandrasekhara Iyer Esquire, B A B L ,
Secretary to the Govt of H H the Maharaja of Mysore,
General & Revenue Departments

Sir,

I have the honor to submit for the consideration of Government the following remarks on the judgment of the Chief Court of Mysore in Criminal Appeal No 118 of 1906-07 by D Narayan Murty, late College Clerk, and to express the hope that they contain nothing inconsistent with due respect to the Chief Court

1 The following passage occurs in the judgment -

"It was urged as some palliation that the utter want of super-
"vision on the part of Mr Cook placed too strong a temptation
"before a low paid subordinate to resist Even the ordinary
"precaution of reading letters and Government Orders received
"from outside seems to have been neglected otherwise it is
"difficult to see how the accused could have perpetrated the
"audacious impertinence of addressing communications like Exhibits
"R & F (filed before the Committing Magistrate) to the District
" Treasury Officer, or of drawing the money sanctioned for
"furniture, for which according to Mr Cook's testimony there was
"no room in his college

2 The judges thus say in the plainest terms that my neglect of duty made the frauds possible Now I think I am entitled to complain of this censure as based on a misapprehension, for I have throughout all my service exercised the closest supervision over my office I have invariably written or drafted or dictated all letters that go out of my office (over my genuine signature), and I have always

personally opened all letters (that reached me) addressed to the Principal Central College The Chief Court's censure therefore comes as a most unpleasant surprise, especially because I was called as a witness for the prosecution but I was not cross-examined by the defence with a view to shewing that my negligence had thrown temptation in the way of the accused The censure which the have passed upon me was thus entirely ex parte, and appears to be based upon suggestions put forward by the Counsel for the defence which have been too hastily accepted

3 It is surely quite plain that no ordinary precautions can prevent a rogue from fabricating letters and forging the Principal's signature, provided that, as in this case, he intercepted the replies sent by Government to such fabricated letters

4 As a matter of fact several of the letters were fabricated while I was absent from Bangalore during vacations; but even if I had never been out of Bangalore, no ordinary precautions — and none were wanting on my part — could have prevented the Clerk from attempting the frauds The success of the frauds would of course depend on the acumen of those persons on whom the were practised In this connection I would observe that the judges of the Chief Court give no reasons for attaching all the blame to me, who never saw the fabricated documents, and none to those on whom the documents were passed as genuine

5 I have the honor therefore to submit that the judges of the Chief Court, when the passed so severe censure on my conduct, had not sufficient materials before them for forming a judgment and I have therefore felt it my duty to His Highness's Government, whose servant I am, to vindicate my action in the matter, and to request that Government will be pleased to forward a copy of this letter to the Chief Judge, for his information

I have the honor to be,

Sir,

Your most obedient servant,

J Cook

Principal

13 4 07

Cus 152

GRS 26]

File No 153-06

Serial No 87

Diary No of letter replied to 9050

No 10393 & 6-5-07

General and Rev Secretariat
( )
the 190

Date of issue 6-5-07

Signed by DSP HR

To The Registrar of the Chief Court

Sir,

I am directed to request that you will be so good as to forward to this office copies of the judgment delivered by the Sessions Court and the Chief Court in the criminal case against D Narayana Murti, late writer of the Central college.

I have etc

DB 30/4/07

for Secretary

29/4/07

SUBJECT

Copied DSP 6-5-07

D 9404
No 6056 Encs 2
282
IV 4/10 57 KSR

Ed 158-06
Sl 9.

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Chief Court of Mysore,
Bangalore dated, 9th May 1907

From,

The Registrar,
Chief Court of Mysore

The Secretary to Government,
General and Revenue Departments

Sir,

With reference to your No 10393/Ed(158-06)-8 dated 6th instant, I have the honour to forward herewith copies of judgments of this Court and of the Sessions Court, Bangalore in the Criminal Case against D Narayana Murti, late writer of the Central College

I have the honour to be,
Sir,
Your most obedient servant,

For REGISTRAR

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In the Chief Court of Mysore at Bangalore

Thursday the 4th day of April 1907

Present

Mr justice H V Nanjundayya,

and

Mr justice P S Krishna Rao, Rao Bahadur

Petition of criminal appeal No 118 of 1906 07 against the conviction and sentence by the Sessions judge of Bangalore, under Sections 465 467 and 409 I P C in Bangalore Sessions Case No 12 of 1906 07

Appellant

D Narayana Murthi

(accused)

Judgment

The appellant has been convicted of three offences

offences of Criminal Breach of Trust Committed within a year, obtaining the money which he misappropriated by forging the signature of the Principal of the Central College to bills and acquittances sent to the Bangalore District Treasury In the Course of argument a doubt was suggested whether the trial of the appellant on all these charges in one trial was legal But the main offences were those of Criminal Breach of Trust, and only three of them Committed within a year are charged together The offences of forgery were Committed for the purpose of obtaining the money misappropriated, and they are such as fall under the rule Contained in Section 235, Sub S 1 We therefore see neither illegality nor irregularity in the clubbing together of these Charges

The appellant has from the beginning admitted his guilt and has made no attempt to extenuate it The only question we have

to

to consider is whether the punishment is too severe. The accused made a confession only when he was found out, and so we cannot give him the credit of honest repentance He has been carrying on his evil practices for a considerable time, and has misused his intelligence for the purpose of defrauding Government, abusing the good natured confidence reposed in him by his indulgent superior It was urged as some palliation that the utter want of supervision on the part of the Bank placed too strong a temptation before a low paid subordinate to resist Even the ordinary precaution of reading letters and Government orders received from outside seems to have been neglected, otherwise it is difficult to see how the accused could have perpetrated the audacious impertinence of addressing communications like Exhibits R & S (filed before the committing Magistrate) to the District Treasury officer, or of drawing the money

money sanctioned for furniture for which according to the book's testimony, there was no room in his College But this does not in the least lessen the enormity of the appellant's guilt

We think however that it is not necessary to confirm the whole of the sentence passed by the learned Sessions judge A substantive sentence of rigorous imprisonment for four years seems to be sufficient, as the offence is one which the appellant cannot repeat, and as his future career, which taking his intelligence into consideration we may assume to have been promising, has been altogether ruined It is also not necessary that the fine imposed should be the full amount misappropriated There is no reason to believe that the accused has saved any of this money If he had been of such a provident turn of mind, he would probably not have committed such a crime. There is apparently no possibility of his paying such a heavy fine as 8,000 Rs, and

Government

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Government has other ways of recovering amounts embezzled, if he has really any property available for the purpose We therefore reduce the fine to 1,000 Rs In default of payment, the appellant will undergo additional rigorous imprisonment for one year

"True copy

[redacted]

Asst Dy Registrar.

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In the Court of Sessions, Bangalore Division
Bangalore, dated the 5th day of February 1907
Present T Paramasiva Iyer Esquire,
Sessions Judge

Bangalore Sessions Case No 12 of 1906

Complainant Vs Accused

Government D Narasu Murti

Offence (1) Forgery, in respect of three bills for Rs 1000/, 700/, and 222/, under Section 465, Indian Penal Code

(2) Forgery of acquittances acknowledging payment of money, in respect of three bills for Rs 1000/, 700/, and 222/, under Section 467, Indian Penal Code

(3) Criminal breach of trust by public servant, in respect of three sums viz Rs 1000/, 700/ and 50/, under Section 409, Indian Penal Code

Opening

Opinion of the Assessors

Finding of the judge — Guilty

Sentence

The accused was sentenced in respect of each of the charges to 2 years' rigorous imprisonment a fine of 8000 Rs In default to further rigorous imprisonment for 2 years The substantive sentences of imprisonment to run in succession

Judgment.

The city Magistrate of Bangalore charged the acc Narain Murty, writer in the Bangalore Central Colleg whose duty as such was to draw money from the Treasu on bills signed by the Principal of the college with h forged and cashed three bills dated 15th March 190

2nd

22nd June 1906 and 2nd November 1906 for sums of 1000 Rs, 700 Rs and 222 Rs, respectively and misappropriating the first two items in their entirety and 50 Rs out of the third item and committed the accused to take his trial before this Court on three charges punishable each of them under Sections 465, 467 and 409 of the Indian Penal Code

2 The accused pleaded guilty

3 No witnesses were examined for the prosecution

4 No exhibits were filed for the prosecution

5 The accused made the following statement before the Committing Magistrate —

" I have nothing to say I have no witnesses to be examined on my behalf'

6 The accused made the following statement before this Court —

' I am guilty I hear my statement before the Lower Court It is correct I stated so My mind was darkened and I committed so

7 No witnesses were examined for the defence

8 No exhibits were filed for the defence

9 In answer to questions put by the Court, the accused frankly stated that his Conscience got darkened and that he sinned and asked the Court to take a merciful view of his offence He made a similar confession to his master, Principal Mr Cook, directly the latter discovered his misconduct, and these are the only extenuating circumstances in his favour The records however of the Lower Court including the evidence of the Principal and the auditor of the Comptroller's office who checked the accounts maintained by the accused show that the accused took advantage of the trustfulness of a noble mind tirelessly engaged in the work of imparting and supervising higher education and indulged with impunity in a long course of embezzlement by forgery, and I may not therefore take

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a lenient view of his offence I find him guilty of the three charges framed against him and sentence him in respect of each of the charges to 2 years' rigorous imprisonment I further sentence the accused to a fine of 8000 Rs (which is about the total amount embezzled by him according to the auditor's statement) in default to further rigorous imprisonment for 2 years The substantive sentences of imprisonment will run in succession

Pronounced in open Court this day the 5th February 1907

(Sd) T Ramanuja Iyer
Sessions Judge
Bangalore Division

'True copy'

asavarathyer
pts by Registrar

GRS 28]

File No 58-06
Serial No 13

Diary No of letter replied to 9404

Proceedings of the Government of His Highness the Maharaja of Mysore

GENERAL AND REVENUE SECRETARIAT
( )

the 190

Date of issue 7-6-07

Signed by

READ—

Letter No 374 dtd 13th April 1907 from the Principal, Central College, Bangalore, submitting his remarks on the judgment of the Chief Court of Mysore in Criminal appeal No 118 of 1906-07, by D Narayana Iyengar, late writer of the Central College and requesting that a copy of his letter may be sent to the Chief Judge for his information

over

Cr'ls thereon
No 1161-2
Edin 5806

9404

Recorded with the Remark that Courts of Justice can only take ~~action~~ Cognizance of facts placed before them regularly in the ordinary Course of judicial procedure, and that it would not be proper to approach the Chief Court in the manner desired by Mr Cook, now that it has ceased to have any Concern with the particular Case in connection with which the Remarks Complained of were made.

23/5/07

for Secy

To The Pt. D. College
& Dft of Edin

Vue 24/5/07

Otto Jones 24/5/07

Coroner
7/6

Copyist
Ex 28 MAY 6

E/5

Proceedings of the Govt of H H the Maharaja of Mysore

R e a d:-

Letter No 374 dated the 13th April 1907, from Mr J Cook, M A , Principal, Central College, Bangalore, submitting his remarks on the judgment of the Chief Court of Mysore in Criminal appeal No 118 of 1906-07, by D Narayana Murti, late writer of the Central College and requesting that a copy of his letter may be sent to the Chief Judge for his information

- - - - - - - - - - - -

Order thereon:-No Dated Bangalore, June 1907

Recorded with the remark that Courts of Justice can only take cognizance of facts placed before them regularly in the ordinary course of judicial procedure, and that it would not be proper to approach the Chief Court in the manner desired by Mr Cook, now that it has ceased to have any concern with the particular case in connection with which the remarks complained of were made

C/B 3/8

For Secretary to Govt

To

The Principal, Central College, Bangalore

" Inspector General of Education in Mysore

K R.